UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

J. C. THOMAS,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Case No. 4:11CV00739 SNLJ
	)	
PENNY MILBURN,	)	
	)	
Respondent.	)	

<u>MEMORANDUM AND ORDER</u>

This matter is before me on the petition for writ of habeas corpus filed by

Petitioner J. C. Thomas. I referred this matter to United States Magistrate Judge Noelle C.

Collins, for a report and recommendation on all dispositive matters pursuant to 28 U.S.C.

§ 636(b). On August 14, 2014, Judge Collins filed her recommendation that Thomas'

habeas petition should be dismissed.

No objections to Judge Collins' Report and Recommendation were filed. After

careful consideration, I will adopt and sustain the thorough reasoning of Judge Collins

and deny Thomas' habeas petition for the reasons stated in the Report and

Recommendation dated August 14, 2014.

I have also considered whether to issue a certificate of appealability. To grant a

certificate of appealability, the Court must find a substantial showing of the denial of a

federal constitutional right. *See Tiedeman v. Benson*, 122 F.3d 518, 522 (8th Cir. 1997).

A substantial showing is a showing that issues are debatable among reasonable jurists, a

Court could resolve the issues differently, or the issues deserve further proceedings. *Cox*

v. Norris, 133 F.3d 565, 569 (8th Cir. 1997) (citing *Flieger v. Delo*, 16 F.3d 878, 882-83 (8th Cir. 1994)). Because Thomas has not made such a showing in this case, I will not issue a certificate of appealability.
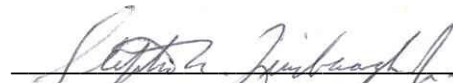
Accordingly,

IT IS HEREBY ORDERED that Judge Collins' Report and Recommendation, #19, filed August 14, 2014 is adopted and sustained in its entirety.

IT IS FURTHER ORDERED that Petitioner's Petition for Writ of Habeas Corpus, #1, is **DENIED**.

IT IS FURTHER ORDERED that the Court will not issue a certificate of appealability. A separate Judgment in accordance with this Memorandum and Order is entered this same date.

Dated this 8th day of September, 2014.

_____
STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE